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10/021,867	12/17/2001	Thomas Joseph Kopacz	1443.009US1	5354

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EXAMINER

BOYD, JENNIFER A

ART UNIT PAPER NUMBER

1771

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,867

Applicant(s)

KOPACZ ET AL.

Examiner

Jennifer A. Boyd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-33 and 50-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-33 and 50-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/16/05</u> . | 6) <input type="checkbox"/> Other: _____ |

RL

DETAILED ACTION

Response to Amendment

1. The Applicant's Amendments and Accompanying Remarks, filed April 7, 2005, have been entered and have been carefully considered. Claims 1, 3, 5, 11, 16 – 22, 50, 54 and 62 are amended, claim 2 is cancelled, claims 64 – 72 are cancelled and claims 1, 3 – 33 and 50 – 72 are pending. In view of Applicant's amendments, the Examiner withdraws the rejections as detailed in paragraphs 4 – 6 of the Office Action dated December 20, 2004. After another search was conducted, additional prior art has been found which renders in the invention as currently claimed unpatentable for reasons herein below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 1, 3 – 8, 11, 22 – 23, 25 – 27, 32 – 33, 54, 58 – 59, 60 – 61, 63 – 68 and 71 – 72 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi et al. (EP 0865755).

Takeuchi et al. is directed to a wiping sheet (Title).

As to claims 1, 5 – 7, 64 – 67 and 72, Takeuchi et al. teaches a composite wiping sheet as shown in Figure 3. The wiping sheet has surface layers 7a and 8a and back layers 7b and 8b (page 5, lines 5 – 10). The layers 7a and 7b form one of Applicant's "bi-layer structure" and layers 8a and 8b form the other "bi-layer structure". As shown in Figure 2, the first bi-layer structure of 7a and 7b creates layer 3 and the second bi-layer structure of 8a and 8b forms layer

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5. The composite is bonded together on bonding lines 2 (Abstract). The resulting composite protrudes at boundaries between the bonding lines 2 and not-bonded areas to form protrusions M (page 4, lines 25 – 35). The resulting structure has two layers of tufted material oriented inwardly as required by Applicant.

As to claims 3, 8 and 68, Takeuchi et al. teaches that the surface layers and the back layers may comprise a combination of absorbent fibers such as rayon and hydrophobic fibers such as polypropylene (page 5, lines 5 – 20), equated to Applicant's "coform".

As to claim 4, Takeuchi et al. teaches that the layers may be absorbent (page 5, lines 1 – 40).

As to claims 11 and 71, Takeuchi teaches that the layers are heat embossed (page 4, lines 10 – 20).

As to claims 22 – 23, 27 and 54, Takeuchi et al. teaches a composite wiping sheet as shown in Figure 3. The wiping sheet has surface layers 7a and 8a and back layers 7b and 8b (page 5, lines 5 – 10). The layers 7a and 7b form one of Applicant's "bi-layer structure" and layers 8a and 8b form the other "bi-layer structure". As shown in Figure 2, the first bi-layer structure of 7a and 7b creates layer 3 and the second bi-layer structure of 8a and 8b forms layer

5. The composite is bonded together on bonding lines 2 (Abstract). The resulting composite protrudes at boundaries between the bonding lines 2 and not-bonded areas to form protrusions M (page 4, lines 25 – 35). The resulting structure has two layers of tufted material oriented inwardly as required by Applicant. Takeuchi teaches that the sheet is impregnated with liquid chemicals or water (page 6, lines 1 – 5).

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As to claims 25 and 26, Takeuchi teaches that the composite can be used as a disposable wiping sheet (page 1, lines 1 – 10). It should be noted that the recitation of “personal care” is not given patentable weight at this time since the prior art meets the structural and/or chemical limitations set forth and there is nothing on record to evidence that the prior art product could not function in the desired capacity. The burden is shifted upon the Applicant to evidence the contrary.

As to claims 32 – 33 and 58 - 59, Takeuchi shows in Figure 2 a composite with a uniform and identifiable pattern, as required by Applicant.

As to claims 60 – 61 and 63, Takeuchi teaches that an absorbent layer 4 is located adjacent to the outer layers (column 35 – 40 and Figure 2).

4. Claims 22 – 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi et al. (US 6,054,202).

Takeuchi is directed to a wiping sheet (Title).

As to claims 22 - 24, Takeuchi teaches a laminate as shown in Figure 2. Figure 2 shows two layers which are equated to Applicant’s “internally tufted” configuration. Takeuchi teaches that additional layers may be added to the laminate (column 2, lines 35 – 60). Takeuchi teaches that the wiping sheet is impregnated with a solution composed of alcohol, surfactant and glycol (column 5, lines 25 – 40). It is the position of the Examiner that the surfactant can act as Applicant’s “lotion”.

As to claims 25 and 26, Takeuchi teaches that the composite can be used as a disposable wiping sheet (page 1, lines 1 – 10). It should be noted that the recitation of “personal care” is not

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given patentable weight at this time since the prior art meets the structural and/or chemical limitations set forth and there is nothing on record to evidence that the prior art product could not function in the desired capacity. The burden is shifted upon the Applicant to evidence the contrary.

As to claim 27, Takeuchi shows in Figure 2 that the laminate is comprised of individual tufts.

Claim Rejections - 35 USC § 103

5. Claims 12 – 15, 28 – 31, 50 – 53 and 55 – 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. (EP 0865755).

Takeuchi et al. teaches a composite wiping sheet as shown in Figure 3. The wiping sheet has surface layers 7a and 8a and back layers 7b and 8b (page 5, lines 5 – 10). As shown in Figure 2, the first bi-layer structure of 7a and 7b creates layer 3 and the second bi-layer structure of 8a and 8b forms layer 5. The composite is bonded together on bonding lines 2 (Abstract). The resulting composite protrudes at boundaries between the bonding lines 2 and not-bonded areas to form protrusions M (page 4, lines 25 – 35). The resulting structure has two layers of tufted material oriented inwardly as required by Applicant. Takeuchi shows in Figure 2 a composite heat bonded with a uniform and identifiable pattern, as required by Applicant.

Takeuchi et al. discloses the claimed invention except for that each tuft is a projection measuring at least 1 mm in length as required by claims 13, 29 and 50, at least 2 mm in length as required by claims 14, 30, 51 and 55, at least 3 mm in length as required by claims 15, 31, 52, 56

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and between 3 and 5 mm in length as required by claims 12, 28, 53 and 57. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create each tuft such that each tuft has a projection measuring at least 1 mm in length as required by claims 13, 29 and 50, at least 2 mm in length as required by claims 14, 30, 51 and 55, at least 3 mm in length as required by claims 15, 31, 52, 56 and between 3 and 5 mm in length as required by claims 12, 28, 53 and 57 since it has been held that where general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 220 F.2d 454 USPQ 233 (CCPA 1955). In the present invention, one would have been motivated to optimize the bulkiness, softness and absorbency of the composite.

6. Claims 9 – 10, 16 – 21, 62 and 69 – 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. (EP 0865755) in view of Rhodes, III (EP 0343304).

Takeuchi et al. teaches a composite wiping sheet as shown in Figure 3. The wiping sheet has surface layers 7a and 8a and back layers 7b and 8b (page 5, lines 5 – 10). As shown in Figure 2, the first bi-layer structure of 7a and 7b creates layer 3 and the second bi-layer structure of 8a and 8b forms layer 5. The composite is bonded together on bonding lines 2 (Abstract). The resulting composite protrudes at boundaries between the bonding lines 2 and not-bonded areas to form protrusions M (page 4, lines 25 – 35). The resulting structure has two layers of tufted material oriented inwardly as required by Applicant. Takeuchi shows in Figure 2 a composite heat bonded with a uniform and identifiable pattern, as required by Applicant.

Takeuchi teaches the claimed invention above but fails to disclose that the tufted material

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is composed primarily of meltblown polymer, specifically selected from the group consisting of polypropylene, polyethylene polybutylene, copolymers and mixtures and blends thereof.

Rhodes, III is directed to a melt blown wiper comprising polypropylene (Abstract).

Rhodes teaches that prior wipers can be classified as either paper or cloth. Prior art paper wipers are inexpensive but can only be used once and are not satisfactory for all applications. Cloth wipers are expensive. Non-woven wipers made from rayon, which may also include other ingredients such as pulp and other synthetic fibers have been available, but in general fail to provide good wiping properties with both oil and water and may entail a cost that prevents disposability except in special applications. Meltblown wipers of the invention have improved durability, absorbency and are inexpensive to produce (page 2, lines 1 – 45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use meltblown fiber such as polypropylene as suggested by Rhodes as the tufted material in the composite wiper of Takeuchi motivated by the desire to create a durable, inexpensive and highly absorbent wiper.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 3 – 33 and 50 – 72 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer Boyd
June 7, 2005


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